

Daily Telegraph

HARRISBURG, PA.

Thursday Morning, August 1, 1861

PASSED THROUGH.—The fifth Massachusetts regiment passed through our city yesterday en route for Harper's Ferry.

PAYMASTER APPOINTED.—Capt. David McCormick, of this city, has been deputed to pay off the tenth regiment of the Pennsylvania Reserve Corps, and left yesterday for that purpose.

THAT CLEARFIELD REGIMENT.—The announcement of "another regiment ready in Clearfield county," which we gathered from a telegraphic dispatch, turns out to have been a canard.

ARRIVAL OF CAVALRY.—A cavalry company from Middletown, under command of Capt. Robinson, arrived here Wednesday afternoon, and went to quarters at Camp Curtin.

SERIOUSLY INJURED.—A young man named Davis, one of the returning volunteers, was seriously injured on the trip from Harrisburg to Pittsburgh.

NOVEL SIGHT.—On Wednesday we noticed a company leaving this city on their return home, many of the men armed with huge loaves of home-made bread, furnished by the wives of farmers in this vicinity.

COLONEL KNIFE.—The rumored appointment of our townsman, Joseph F. Knipe, as Colonel of one of the new Pennsylvania regiments, turns out to be correct.

DISORDERLY HOUSE.—Information was yesterday made before Alderman Maglauchlin against Levi Huber for keeping a disorderly house in North street.

IN THE RIGHT PLACE.—An Englishman named John Nott was arrested by the late Colonel Cameron, who distinguished himself at the battle of Bull Run.

MORE CAVALRY FOR THE WAR.—Capt. Owen Jones' company of cavalry, of Montgomery county, has been accepted by Governor Curtin.

ANOTHER SOLDIER KILLED.—A few days ago a soldier at Camp Curtin, a private in the Richmond Artillery, named John Harris, left the camp without leave, and was arrested by the guard.

SHOOTING AFFAIR NEAR ELIZABETHTOWN.—We learn from the Lancaster Express that on the 24th inst. a boy named Cunningham shot a young girl named Fanny Cobach, near Elizabethtown.

THE FIFTH WISCONSIN REGIMENT, which arrived here last Friday, is still encamped in the upper section of the city, waiting to be furnished with arms.

PUT THEM THROUGH.—Several lager beer sellers, in disregard of the Mayor's proclamation, continue to do business.

PAYING THE VOLUNTEERS.—Another regiment was paid yesterday, and left for home in good spirits.

SELLING BEER TO MINORS.—The keeper of a lager beer shop in the first ward, John Felter, complained against yesterday for selling to minors.

SOLDIER DEAD.—A young man named Conklin, from Montoursville, Lycoming county, a member of the Woodward Guards, eleventh regiment, died in the hospital at Camp yesterday morning.

DEATH AT THE GRAVE.—A few days ago Robert Marshall attended a funeral in Salisbury township, Lancaster county, and while engaged in filling up the grave, he fell down insensible, and died in less than two hours.

FOLLOWED HER HUSBAND.—Yesterday John Utz was arrested and imprisoned for keeping a disreputable den in Cherry alley.

BREAD FOR THE SOLDIERS.—Some of the farmers who attended market this morning brought with them large quantities of excellent home-made bread, which was distributed among our citizens to feed the soldiers.

ASSAULT AND BATTERY.—An Italian dealer in confections, Eugene Marsella, who keeps a table in front of Frisch's beer shop, was arraigned this morning for assault and battery.

THE FIRST LYCOMING TROOP has made a tender of services to the Government and been accepted. Mr. Brown, of Philadelphia, formerly a citizen of Lycoming county, was driven out of Missouri on account of his Union sentiments.

AT HOME.—Our gallant young townsman, Lieut. Frank Davies, aid to the late Colonel Cameron, who distinguished himself at the battle of Bull Run, and made a narrow escape from the rebels, is now at home on a brief visit to his family.

THE WILD-CAT REGIMENT BACK.—The celebrated "wild-cat" regiment, under command of Col. Biddle, returned here last Wednesday night from Western Virginia, where, in connection with Col. Simmons' regiment, they have been doing good service.

RECRUITING FOR THREE YEARS.—There seems to be a general feeling among the three months volunteers who have returned, in favor of re-enlisting for the three years' term.

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COMMON COUNCIL VS. KEFFNER MAYOR.

STATEMENT OF THE CASE. The city of Harrisburg was incorporated by Act of Assembly of this Commonwealth, approved the 19th day of March, 1860.

By section 8. "That the power of the said corporation of the said city shall be vested in the said Council, or a quorum thereof, who shall, in council assembled, have full power and authority to make, ordain, constitute and establish all such by-laws, ordinances, resolutions and regulations as they may deem necessary to preserve the peace and good order, government and welfare of the said city, and the prosperity and happiness of the inhabitants thereof, and the same to alter, amend, repeal or revoke."

By section 9: "That any by-law or ordinance which shall have been passed by the said Council, shall be presented to the Mayor; if he approves, he shall sign the same; but if he shall not approve, he shall return it, with his objections, to the Council, who shall proceed to reconsider it."

By section 10: "That in order that a knowledge of the by-laws, ordinances, regulations and resolutions of the said city may at all times be had and obtained, and the publications thereof, at all times, be known and ascertained, the same shall be published in one of the public newspapers published in said city, every day from and after the date of their passage."

By section 11: "That the said Council assembled shall have power to borrow, for the use of the said city, any sum of money of money which they shall deem necessary, and to issue certificates of loan for the amount so borrowed to the person respectively lending the same; and the said certificates, signed by the Mayor of said city, and attested by the President of Council, under the common seal of the said city, shall be binding and obligatory on the said corporation."

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city, in lieu of the old debt of the borough aforesaid; and that the said fifty one hundred dollar bonds referred to be cancelled on and resolution of the Council, and signed by the Mayor, with the bonds referred to therein; but no certified copy, under the corporate seal, was served upon the Mayor before the institution of these proceedings.

OPINION OF THE COURT—LOWRY, C. J. The only question of any importance in this case, and the only one argued by the counsel, is whether the resolution of the city council, which the Mayor is called upon to execute is such a one as, in order to be valid, must be presented to the Mayor for his approval, and also recorded.

The resolution itself, is, apparently, of very little importance, being only to renew a loan already owed by the city, as the legal successor of the borough of Harrisburg. It does not purport to change anything except the time of payment and the liability for the State tax on the loan, and this the city is to pay.

Section eight of the act of incorporation vests the power of the corporation in the council, and section twenty-seven vests the council with power to borrow money; but these provisions are not intended to set aside the form in which all ordinances are to be passed, published and recorded, and therefore do not dispense with the form of submitting them to the Mayor for his approval.

But it is insisted that this provision, for submitting ordinances for the approval of the Mayor, does not apply to a resolution for borrowing money, and we are referred to the special wording of sections 8 and 9. It is argued that by section 8 the Council may make by-laws, ordinances, resolutions and regulations, and that by section 9 it is only by-laws and ordinances that are to be submitted to the Mayor for his approval.

We find nothing but these words tending to indicate any design to make such a distinction; and the well-known legislative habit of redundancy of language forbids us to rely on the multiplication of words, as evidence of intended distinctions. The act says that the council may "make, ordain, constitute, establish and pass ordinances, &c.;" but all these verbs mean the same thing, and are not intended to be taken as separate and distinct.

Certainly there is some distinction between these words in ordinary usage. Regulation is the most general of them all, meaning any rule for the ordering of affairs, public or private; and it thus becomes the generic term from which all the others are defined, specified or limited.

What we have said cannot, of course, apply to rules of Council, properly so called, for these are mere rules of practice of the Council itself in its deliberations, passed by virtue of an authority inherent in all associated functionaries and implied when not expressly granted; and establishing the forms under which they act in the process of passing ordinances. They are not ordinances, but rules for passing ordinances.

The general rule admits of no exceptions, in substance, that are not susceptible of exact definition, and the general rule would seem to be so encroached upon as to be of little value. We cannot define with perfect exactness the distinction between the construction, reconstruction and repair of sewers and other works, and therefore all ordinances for such work must be submitted to the Mayor for his approval.

such interference. And it is possible to suppose that the apparent unimportance of a resolution is not real in principle at least; for the Council may possibly be dishonest, at some time, in admitting the existence of a debt, and may, at any time, be mistaken about it.

And there is no sort of hardship in this, for it is not peculiar, but common. Thus are all acts of Congress and of Assembly passed and enrolled or recorded. And it is very right that every officer who acts under instructions of Council, should have such protection in the payment of warrants; that the Mayor should have it in executing bonds; and that the people should have it, as a safeguard against all loose expenditures of money by Council, and especially by committees of Council.

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NEW AND CHEAP GOODS FROM NEW YORK AUCTION.—100 pieces splendid Wamesutta Calico, 10 cts.; 50 pieces of unbleached Muslin, 4 1/2 cts., worth 12 1/2 cts.; 30 pieces of splendid Clinton Gingham, 12 1/2 cts., worth 18 cts.; 100 pieces of Crash, at 10 and 12 cts. a yard; a very large lot of ladies and children's white stockings; the best ladies hose for 12 1/2 cts. in town; brilliant, brilliant, 50 pieces, at 12 cts. a pair; beautiful skirt stuff at 25 cts.; 200 dozen of brown and blue mixed men's socks, 12 cts. a pair; and a great many other goods very cheap, at S. Lewis's, John Rhoads' old stand.

New Advertisements.

ARMY SUPPLIES

- QUARTERMASTER GENERAL'S OFFICE, Harrisburg, July 26, 1861. Sealed Proposals will be received at this office until 12 o'clock, M., on Friday, the 2d day of August, 1861, for the following Army Supplies, deliverable at the State Military Store, Harrisburg, in quantities as required.

- Ten Thousand Tents, with flies, poles, pins, etc., complete. Sixteen Hundred and Fifty Common Tents, poles, pins, etc., complete. Two Hundred and Fifty Wall Tents, with flies, poles, pins, etc., complete. One Hundred Drums, with sticks, slings, carriage cases, etc., complete. Two Hundred (200) Drum Heads—batter. Two Hundred (200) Drum Heads—snare. One Hundred Cocos Fife. Ten Thousand Three-pint Canteens, covered and strapped, cotton. Ten Thousand Haversacks, army standard. Ten Thousand Haversacks, enameled cloth. Ten thousand Knapsacks, straps, etc., complete, army standard. Ten thousand Knapsacks, straps, etc., complete, enameled cloth. Six hundred Shoes. Six hundred Spades. Six hundred Hatchets—handed. Six hundred Axes—handed. Six hundred Picks—handed. Ten Thousand Tin Plates. Ten thousand pairs Knives and Forks. Ten thousand Tin Cups. Three thousand Mess Pans. One thousand Camp Kettles. Ten thousand Great Coats—Infantry. Ten thousand Blouses, woolen lined. One thousand yards sky blue tape for chevrons. Ten thousand pairs Trovans, footmen. Twenty thousand white Donet Flannel shirts. Twenty thousand pairs of Drawers. Twenty thousand pairs Stockings. One thousand pairs Cavalry Boots. Ten thousand pairs Booties. Ten thousand Forage Caps. Ten thousand sets of Accoutrements. Twelve thousand Double Numbers 39 to 50 inclusive. Twelve thousand Letters A to K inclusive. One hundred and thirty Sergeants' Sashes. Ten Thousand Blankets, seven feet by five feet in length, wool-gray, letters E. V. in centre four inches long, weighing five pounds. Forty Ambulance Wagons of the pattern of the U. S. Army, of 4 wheels and 2 wheels. Forty Hospital or Medical Transport Carts, U. S. Army pattern. Also, Sets of Harness for horses of above. The Ambulance Wagons, Carts and Harness to be subject to the inspection and approval, in quality and finish, of the Surgeon General of Pennsylvania, whose decision shall be final and conclusive.

Miscellaneous.

LADIES' WINE. SPEER'S SAMBUCCI WINE, Of Cultivated Portuguese Kldet.



Every Family Should Use. SPEER'S SAMBUCCI WINE. CELEBRATED for its medicinal and benevolent qualities as a genuine Stimulant, Tonic, and Serrific, highly esteemed by eminent Physicians and some of the first families in Europe and America.

THE ONLY PREPARATION WORTHY OF Universal Confidence & Patronage. FOR STATESMEN, JUDGES, CLERGYMAN, Ladies and Gentlemen, in all parts of the world to testify to the efficacy of Prof. O. J. Wood's Hair Restorative and gentlemen of the Press are unanimous in its praise.

WOOD'S HAIR RESTORATIVE. PROF. O. J. WOOD: Dear Sir, I have the misfortune to lose the best portion of my hair, with the effects of the yellow fever, in New Orleans in 1851, I was induced to make a trial of your preparation, and to answer as the very thing needed. My hair is now thick and glossy, and no words can express my obligations to you in giving to the afflicted such a treasure.

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Great Cure. DR. LELLAND'S ANTI RHEUMATIC BAND,

IS THE ONLY KNOWN REMEDY FOR Rheumatism, Gout and Neuralgia AND A SURE CURE FOR All Mercurial Diseases. It is a conveniently arranged Band, containing a special compound, to be worn around the Waist, without injury to the most delicate persons, no change in habits of living is required, and it entirely removes the disease from the system, without producing the injurious effects arising from the use of the Band, some in contact with which weaken and destroy the constitution, and give temporary relief only.

G. SMITH & CO., Sole Proprietors. N. B.—Descriptive Circulars Sent Free. GILT FRAMES! GILT FRAMES! J. BIESTER, CARVER AND GILDER, Manufacturer of Looking Glass and Picture Frames, Gilt and Rosewood Mouldings &c. HARRISBURG, PA. French Mirrors, Square and Oval Portrait Frames of every description. OLD FRAMES RE-GILT TO NEW. 1716-17